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July 23, 2012

Peter J. Nickitas  
431 S. Seventh Street, Ste. 2446  
PO Box 15221  
Minneapolis, MN 55402

**RE: Scheffler v. Jack Molin and City of Crystal  
Court File No. 11-cv-03279-JNE-JJK**

Dear Mr. Nickitas:

Enclosed and served upon you are Defendants' Supplemental Responses to Plaintiff's Request for Production of Documents.

Sincerely,

A handwritten signature in blue ink that reads "Jana O'Leary Sullivan".

Jana O'Leary Sullivan  
Attorney at Law

JOS/sc  
Enclosure

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

Troy K. Scheffler,

Court File No. 11-CV-3279 (JNE/JJK)

Plaintiff,

v.

Jack Molin and the  
City of Crystal, Minnesota,

Defendants.

**DEFENDANTS' SUPPLEMENTAL  
RESPONSES TO PLAINTIFF'S  
REQUEST FOR PRODUCTION OF  
DOCUMENTS**

TO: PLAINTIFF ABOVE-NAMED AND HIS COUNSEL

Defendants Jack Molin and City of Crystal ("Defendants") for their Responses to Plaintiff's Request for Production of Documents responds as follows:

**PRELIMINARY STATEMENT AND GENERAL OBJECTIONS**

Defendants have not completed their discovery and investigation in this action or their preparation for trial. The following responses are based upon Defendants' knowledge as of the date of these responses and are given without prejudice to Defendants' right to produce any subsequently discovered information or to amend its responses in accordance with that information.

1. Defendants object to Plaintiff's definitions insofar as they would imply any obligations to respond to Plaintiff's request other than is required within the scope of the Rules of Civil Procedure.
2. Defendants object to each request for production of documents to the extent that they request information or documents protected by any privilege or immunity, including but not limited to the attorney-client privilege, work product doctrine, and mental processes privilege.
3. Defendants object to each request for production of documents to the extent that it is not limited to documents or information within Defendants' possession.
4. Defendants will make reasonable efforts to respond to each request for production of documents to the extent it is unobjectionable, as Defendants understand and interpret the request. If Plaintiff subsequently asserts any interpretation of any request which differs, Defendants reserve the right to supplement their objections and production.

5. Defendants object to these request for production of documents to the extent that they require the City to collect and supply information that is in the public domain or otherwise obtainable by Plaintiff as easily from other sources as from Defendants.
6. Defendants object to each and every request for production of documents to the extent that an interrogatory calls for the review of documents which on their face do not relate to the subject matter of this litigation and are not reasonably calculated to lead to the discovery of admissible evidence. Such interrogatories are overly broad and ambiguous, seek information and the production of documents that are not relevant to the subject matter of this action, and the production of such materials would impose an undue burden and expense on the Defendants.

**SUPPLEMENTAL RESPONSE TO REQUEST FOR PRODUCTION OF DOCUMENTS**

**REQUEST NO. 2:** Produce all documents of and concerning plaintiff, not privileged, in the possession or control of the City of Crystal, its agents, or its representatives.

**RESPONSE:** Defendants object to this request because it (1) is vague, overly broad, and unduly burdensome; (2) seeks information that is irrelevant and/or not likely to lead to the discovery of admissible evidence; (3) attempts to impose burdens on Defendants in excess of that provided in the Federal Rules of Civil Procedure; and/or (4) seeks private, confidential, or non-public data protected from disclosure by the Minnesota Government Data Practices Act.

Subject to and without waiving said objections, see attached documents.

Investigation and discovery are continuing.

**REQUEST NO. 3:** Produce a true copy of the defendants' privilege logs, maintained in accordance with Fed. R. Civ. P. 26(b)(5).

**RESPONSE:** Please find the attached supplemented privilege log.

Investigation and discovery are continuing.

**ACKNOWLEDGMENT OF COSTS AND FEES**

The undersigned attorney, on behalf of Defendants Jack Molin and City of Crystal, in accordance with Minnesota Statute § 549.211, Subd. 1 acknowledges that sanctions may be imposed under this section.

**LEAGUE OF MINNESOTA CITIES**

Date: July 23, 2012

Jana O'Leary Sullivan  
Jana O'Leary Sullivan (MN ID 329034)  
145 University Avenue West  
St. Paul, MN 55103-2044  
Telephone: 651-281-1243  
Facsimile: 651-281-1298  
[jsullivan@lmc.org](mailto:jsullivan@lmc.org)  
Attorney for Defendants

**PROOF OF SERVICE**

The undersigned certifies that the foregoing Instrument was served upon all parties to the above cause by depositing a copy thereof in the U.S. Mail, postage prepaid, in envelopes addressed to each of the attorneys of record herein at their respective addresses disclosed on the pleadings

on July 23 2012 David Chelast

**Kim Therres**

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**From:** Kim Therres  
**Sent:** Thursday, September 17, 2009 11:39 AM  
**To:** Janet Lewis  
**Subject:** Accepted: Troy Scheffler Data Request

**Kim Therres**

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**From:** Kim Therres  
**Sent:** Tuesday, October 21, 2008 1:44 PM  
**To:** Jenny Gooden; Patrick Peters  
**Cc:** Anne Norris; Charles Hansen  
**Subject:** Mr. Scheffler's Claim

Jenny and Patrick,

Mr. Scheffler visited city hall on October 3, 2008 and met with Jack Molin. Following the meeting, Mr. Scheffler has submitted a claim against the city. The claim was submitted to our insurance company (LMCIT) and has been assigned to an adjuster for review. I received a call today from Mike Sullivan of Allied Adjusters, who has been assigned to the claim. He will be contacting you within the next two weeks regarding this claim. I wanted you to know that he will be contacting you so you are not surprised by his call. In the meantime, if you would like to contact him directly you may call him at 612-766-3704 or send him a fax at 612-766-3799.

Kim

**Anne Norris**

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**From:** Anne Norris  
**Sent:** Thursday, September 17, 2009 11:41 AM  
**To:** Janet Lewis  
**Subject:** Accepted: Troy Scheffler Data Request

**Anne Norris**

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**From:** Anne Norris  
**Sent:** Thursday, October 23, 2008 1:48 PM  
**To:** John Banick  
**Subject:** Weekly Meeting

John – Here's what I have for our weekly meeting:

- walk-throughs at voting places?
- Noonan letter
- 3414 Louisiana status, audit of property room
- stop signs – Lee Park neighborhood
- LMC training next week
- Deputy Chief interviews
- Forest School speed, other?
- Scheffler claim – Holm's comments
- Holm
- Budget

What am I forgetting? Thanks. Anne

***Scheffler v. Jack Molin and the City of Crystal, Minnesota***  
**Court File No.:11-CV-3179 (JNE/JJK)**

**Defendants' Privilege Log (05/11/12)**

Date	Type	Author	Addressee	Description	Present Custodian	Privilege
11/24/08	Email	Anne Norris	Michael Norton	Email from Scheffler forwarded to City Attorney w/Redaction	LMC	Attorney Client Privileged communication between City employee and City Attorney
04/01/08	Memorandum	Anne Norris	Jack Molin	Investigation-Workplace Conduct Policy Complaint w/Redaction	LMC	MGDPA
02/14/11	Report	Jack Molin	MN DOLI	CBO Continuing Education Summary w/Redaction	LMC	MGDPA
Various 2002 - 2012	Form	Patrick Peters	Jack Molin	Performance Evaluation Forms	LMC	MGDPA
09/24/10	Memorandum	Anne Norris	Jack Molin	Discipline – Employee Conduct at September 9 Administrative Hearing w/Redactions	LMC	MGDPA

Date	Type	Author	Addressee	Description	Present Custodian	Privilege
07/02/09	Memorandum		Jack Molin	Other Personnel Documents	LMC	MGDPA
10/23/08	Memorandum	Anne Norris	Jack Molin	Other Personnel Documents	LMC	MGDPA
10/27/08	Memorandum	Non-Public	Anne Norris	Other Personnel Documents	LMC	MGDPA
04/20/02	Form	Jack Molin	City of Crystal	Authorization/Release Form	LMC	MGDPA
04/23/02	Form	Jack Molin	City of Crystal	New Employee Driver's License Information	LMC	MGDPA
04/20/02	Letter	Jack Molin	Marquitta Frost	Transmittal of Background Check and Driver's License Clearance	LMC	MGDPA
04/22/02	Record Check	Crystal Police Department		Records Check	LMC	MGDPA
04/03/02	Employment Application	Jack Molin	City of Crystal	Completed employment application w/Redactions	LMC	MGDPA
Undated	Resume	Jack Molin		Personal Resume Form w/Redactions	LMC	MGDPA
04/03/02	Letter	Jack Molin	City of Crystal	Cover Letter to Employment Application Submission	LMC	MGDPA

Date	Type	Author	Addressee	Description	Present Custodian	Privilege
04/09/02	Misc Forms and Notes	Various City of Crystal Employees	City of Crystal	Miscellaneous notes and forms regarding employment interviewing process	LMC	MGDPA
09/2010	File	Various City of Crystal Employees	Anne Norris	Complaint Investigation	LMC	MGDPA
10/2008	File	Various City of Crystal Employees	Anne Norris	Complaint Investigation	LMC	MGDPA
03/2008	File	Various City of Crystal Employees	Anne Norris	Complaint Investigation	LMC	MGDPA
01/02/07	Email	Patrick Peters	Anne Norris	Department Reorganization	LMC	MGDPA
Various 2002 to 2012	Checklists	Jack Molin	City of Crystal	Health Fair Checklists	LMC	MGDPA
05/23/07	Email	Gail Trenholm	Jason Zimmerman	Email String re 6311 Corvallis w/Redactions	LMC	MGDPA
<b>07/20/12 Supplement</b>						
10/15/08	Email	Kim Therres	John Banick	Email string re: Norton advice	LMC	Attorney Client Privileged communication between City employee and City Attorney

Date	Type	Author	Addressee	Description	Present Custodian	Privilege
09/15/09	Email	Michael Norton	Therres, Norris, Peters, Banick	Email string re: Troy Scheffler Data Request	LMC	Attorney Client Privileged communication between City employee and City Attorney
09/22/09	Email	Michael Norton	Lewis, Therres, Norris	Email string re: Data Request from Troy Scheffler's attorney	LMC	Attorney Client Privileged communication between City employee and City Attorney
09/22/09	Email	Anne Norris	Lewis, Norton, Therres	Email string re: Data Request from Troy Scheffler's attorney	LMC	Attorney Client Privileged communication between City employee and City Attorney
09/15/09	Email	Anne Norris	Therres, Peters, Banick, Norton, Lewis	Email string re: Troy Scheffler data request	LMC	Attorney Client Privileged communication between City employee and City Attorney
10/14/08	Email	Anne Norris	Michael Norton	Email re: Letter regarding claim	LMC	Attorney Client Privileged communication between City employee and City Attorney

Date	Type	Author	Addressee	Description	Present Custodian	Privilege
10/14/08	Email	Anne Norris	Michael Norton	Email re: Letter regarding claim	LMC	Attorney Client Privileged communication between City employee and City Attorney
10/21/08	Email	Anne Norris	Norton, Therres	Email re: Investigation	LMC	Attorney Client Privileged communication between City employee and City Attorney
10/22/08	Email	Anne Norris	Lewis, Peters, Therres, Norton	Email string re: Update on Data Practice Request	LMC	Attorney Client Privileged communication between City employee and City Attorney
11/24/08	Email	Anne Norris	Norton	Email string re: Letter to Scheffler	LMC	Attorney Client Privileged communication between City employee and City Attorney
09/16/09	Email	Kim Therres	Janet Lewis	Email string re: Heine advice	LMC	Attorney Client Privileged communication between City employee and City Attorney

Date	Type	Author	Addressee	Description	Present Custodian	Privilege
10/31/08	Email	Kim Therres	Jenny Gooden	Email string re: Norton advice	LMC	Attorney Client Privileged communication between City employee and City Attorney
10/21/08	Email	Kim Therres	Michael Norton	Email re: Scheffler Claim and Request	LMC	Attorney Client Privileged communication between City employee and City Attorney
10/21/08	Email	Kim Therres	Norton, Norris	Email re: Investigation	LMC	Attorney Client Privileged communication between City employee and City Attorney
10/15/08	Email	Kim Therres	John Banick	Email re: advice from Norton	LMC	Attorney Client Privileged communication between City employee and City Attorney



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PRESORTED  
FIRST CLASS



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